

1994—Subsec. (h). Pub. L. 103-429 substituted “any judicial district” for “the judicial district”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(f)(3) of Pub. L. 104-287 provided that the amendment made by that section is effective Dec. 29, 1995.

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

### § 30167. Disclosure of information by the Secretary of Transportation

(a) CONFIDENTIALITY OF INFORMATION.—Information obtained under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only in the following ways:

(1) to other officers and employees carrying out this chapter.

(2) when relevant to a proceeding under this chapter.

(3) to the public if the confidentiality of the information is preserved.

(4) to the public when the Secretary of Transportation decides that disclosure is necessary to carry out section 30101 of this title.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section, the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118-30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER'S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer's cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer's statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 970.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30167(a) .....	15:1397(a)(1)(B) (related to 15:1401(e) (1st sentence)), (D) (related to 15:1418(a)(2)(B)), (E) (related to 15:1401(e) (1st sentence)). 15:1401(e) (1st sentence).  15:1402(b)(2) (1st sentence).  15:1418(a)(2)(B).	Sept. 9, 1966, Pub. L. 89-563, §108(a)(1)(B) (related to §112(e)), (D) (related to §158(a)(2)), (E) (related to §112(e)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93-492, §103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478. Sept. 9, 1966, Pub. L. 89-563, §112(e), 80 Stat. 725; Oct. 27, 1974, Pub. L. 93-492, §104(b), 88 Stat. 1480. Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §113; added Oct. 27, 1974, Pub. L. 93-492, §105, 88 Stat. 1480. Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §158(a)(2); added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1476.
30167(b) .....	15:1397(a)(1)(D) (related to 15:1418(a)(2)(A), (C)).	
30167(c) .....	15:1418(a)(2)(A), (C). 15:1402(a), (b)(1), (c)-(e).	
30167(d) .....	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(e) (last sentence)). 15:1401(e) (last sentence). 15:1402(b)(2) (last sentence).	

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(e)), (D) (related to 15:1418(a)(2)), and (E) (related to 15:1401(e)) is omitted as surplus.

In subsection (a), before clause (1), the words “Except as otherwise provided in section 1418(a)(2) and section 1402(b) of this title” in 15:1401(e) (1st sentence) are omitted, and the words “Information obtained under this chapter related to a confidential matter” are substituted for “all information reported to or otherwise obtained by the Secretary or his representative pursuant to this subchapter which information contains or relates to a trade secret or other matter” in 15:1401(e) (1st sentence) and “described in subparagraph (A)” in 15:1418(a)(2)(B), because of the restatement. The words “shall be considered confidential for the purpose of that section” are omitted as surplus. The words “may be disclosed only in the following ways” are substituted for “except that such information may be disclosed” in 15:1401(e) (1st sentence) and 15:1402(b)(2) (1st sentence) and “and shall not be disclosed; unless” in 15:1418(a)(2)(B) to eliminate unnecessary words. Clause (3) is substituted for 15:1402(b)(2) (1st sentence words before 2d comma) to eliminate unnecessary words.

In subsection (b), the words “Subject to” are substituted for “Except as provided in” for consistency. The words “to the public so much of any” and “which is” are omitted as surplus. The words “which relates to motor vehicle safety” and “with an applicable Federal motor vehicle safety standard” are omitted because of the restatement. The words “the purposes of” and “and not in lieu of” are omitted as surplus.

In subsection (c), the words “For purposes of this section, the term ‘cost information’ means” and “such cost information” are omitted because of the restatement. The words “alleged”, “both”, and “resulting from action by the Secretary, in such form” are omitted as surplus. The words “Such term includes” are omitted because of the restatement. The words “to evaluate” are substituted for “to make an informed judgment” to eliminate unnecessary words and for consistency in the subsection. The words “(in such detail as the Secretary may by regulation or order prescribe)” are omitted as surplus because of 49:322(a). The word “thereafter” is omitted as surplus. The word “evaluate” is substituted for “prepare an evaluation of” to eliminate unnecessary words. The words “The Secretary” are added for clarity. The text of 15:1402(d) is

omitted as surplus because of 49:322(a). The text of 15:1402(e) is omitted as surplus because of the restatement.

In subsection (d), the words “by the Secretary or any officer or employee under his control” and “duly” are omitted as surplus. The words “to have the information” are added for clarity.

### § 30168. Research, testing, development, and training

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation shall conduct research, testing, development, and training necessary to carry out this chapter. The research, development, testing, and training shall include—

(A) collecting information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

- (i) accidents involving motor vehicles; and
- (ii) the occurrence of death or personal injury resulting from those accidents;

(B) obtaining experimental and other motor vehicles and motor vehicle equipment for research or testing; and

(C) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and crediting the proceeds to current appropriations available to carry out this chapter.

(2) The Secretary may carry out this subsection through grants to States, interstate authorities, and nonprofit institutions.

(b) USE OF PUBLIC AGENCIES.—In carrying out this chapter, the Secretary shall use the services, research, and testing facilities of public agencies to the maximum extent practicable to avoid duplication.

(c) FACILITIES.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than \$100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on Commerce and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include—

- (1) a brief description of the facility being planned, designed, or built;
- (2) the location of the facility;
- (3) an estimate of the maximum cost of the facility;
- (4) a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and
- (5) a justification of the need for the facility.

(d) INCREASING COSTS OF APPROVED FACILITIES.—The estimated maximum cost of a facility approved under subsection (c) of this section may be increased by an amount equal to the percentage increase in construction costs from the date the prospectus is submitted to Congress. However, the increase in the cost of the facility

may not be more than 10 percent of the estimated maximum cost included in the prospectus. The Secretary shall decide what increase in construction costs has occurred.

(e) AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. However, the owner of a background patent may not be deprived of a right under the patent.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 971; Pub. L. 104–287, §5(58), Oct. 11, 1996, 110 Stat. 3394.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30168(a) .....	15:1395(a), (b).	Sept. 9, 1966, Pub. L. 89–563, §§106, 118, 80 Stat. 721, 728.
30168(b) .....	15:1406.	
30168(c) .....	15:1431(a).	Sept. 9, 1966, Pub. L. 89–563, §301, 80 Stat. 729; restated May 22, 1970, Pub. L. 91–265, §7, 84 Stat. 263.
30168(d) .....	15:1431(b).	
30168(e) .....	15:1395(c).	

In subsection (a)(1), before clause (A), the words “the purposes of” and “but not limited to” are omitted as surplus. In clause (A), before subclause (i), the words “from any source” are omitted as surplus. In clause (B), the words “(by negotiation or otherwise)” and “purposes” are omitted as surplus. In clause (C), the word “crediting” is substituted for “reimbursing” because it is more appropriate. The words “of such sale or disposal” and “the purposes of” are omitted as surplus.

In subsection (a)(2), the words “conduct research, testing, development, and training as authorized to be . . . for the conduct of such research, testing, development, and training” are omitted as surplus. The word “authorities” is substituted for “agencies” for consistency.

In subsection (b), the words “in order” are omitted as surplus.

In subsection (c), before clause (1), the word “suitable” is omitted as surplus. The word “testing” is substituted for “compliance and other testing” to eliminate unnecessary words. The words “An expenditure of more than \$100,000 . . . may be made only” are substituted for “except that no appropriation shall be made . . . involving an expenditure in excess of \$100,000” as being more precise and to eliminate unnecessary words. The words “substantially similar resolutions” are substituted for “resolutions adopted in substantially the same form” to eliminate unnecessary words. The words “Energy and Commerce” are substituted for “Interstate and Foreign Commerce”, and the words “Public Works and Transportation” are substituted for “Public Works”, to conform to the amendments made to House Rule X changing the names of those committees. The words “Commerce, Science, and Transportation” are substituted for “Commerce”, and the words “Environment and Public Works” are substituted for “Public Works”, to conform to the amendments made to Senate Rule XXV changing the names of those committees. The words “To obtain that” are substituted for “For the purpose of securing consideration of such” to eliminate unnecessary words. The words “The prospectus shall include” are substituted for “including” for clarity. The words “(but not limited to)” are omitted as surplus. In clause (5), the words “statement of” are omitted as surplus.

In subsection (d), the words “if any” are omitted as surplus. The words “in the cost of the facility” are sub-